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U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

DEPT. OF TRANSPORTATION  
DOCKETS

02 JUL 25 PM 2:09

# Memorandum

NHTSA-01-10526-7

Subject: Request to Place Comments in the Docket  
Regarding Import Eligibility Decision  
on 1999 Ferrari F355 passenger cars

Date: JUN 27 2002

From: Coleman Sachs *CS*  
Attorney

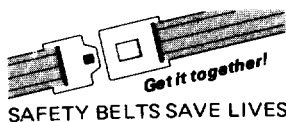
Reply to  
Attn. of:

To: Docket Management

Please place the attached document regarding whether  
nonconforming 1999 Ferrari F355 passenger cars are eligible  
for importation, as requested in Petition No. 492, in Docket  
No. NHTSA-2001-10526.

Attachment

#



103492

**J.K. Technologies, L.L.C.**

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Mr. George Entwistle  
D.O.T. , O.V.S.C.  
400 Seventh St., S.W.  
Room 6111  
Washington, DC 20590

6/3/02

Re: NHTSA-2001-10526 – 1999 Ferrari F355 Petition

Dear Mr. Entwistle,

In response Mr. Sloane's letter of May 6, 2002, we have the following comments. First, Mr. Sloane addresses the subject of the substantial similarity between the 1999 US Ferrari F355 vs. the 1999 European Ferrari F355. He seems to indicate that we did not take into account the "parts, weight and under skin differences", between the two versions of the 1999 F355. I have only to say that after modification or change of the "readily" removable parts I have outlined in the petition, there is virtually no difference (less than 1%) in weight between the two versions. There are no "under-the-skin structural differences" between the two versions except to those "readily removable" parts outlined in our petition. It is telling that Mr. Sloane does not provide a single affidavit from a qualified engineer, or any other technical data, to support any of the misleading inferences made in his letter.

Mr. Sloane's final argument seems to center around the use of the words "possible" and "readily" when referring to the modifiability and substantial similarity of the US and European 1999 F355. (see paragraph 2 of "substantial similarity") This lawyer "word twisting" speaks for itself. To clarify our position, not only is it "possible" to modify the European version of the 1999 F355, but they are "readily" modifiable and they are "substantially similar" in all respects to the US version.

Mr. Sloane has also offered comments on several FMVSS. To those comments we have the following responses:

FMVSS 208 & 209

JK Technologies position on this subject has never changed, contrary to what Mr. Sloane would have you believe. These systems conform to all aspects of this FMVSS. Each vehicle should be inspected on a parts basis, due to Ferrari's use of different parts, from day to day, on the European cars. Some have the US

belts and air bags and some do not in the interest of safety they must all be inspected and, where necessary, appropriately changed.

#### FMVSS 214

JK Technologies position on this FMVSS has never changed. In order to put this matter to rest once and for all, we have decided to dynamically test our door bars to backup the compliance data that we have already submitted to show compliance with this FMVSS. We will be testing both the 550 and 355 doors and the results of these tests will be supplied to OVSC.

#### FMVSS 301

JK Technologies position on this FMVSS has never changed, contrary to what Mr. Sloane would have you believe. These systems meet all aspects of this FMVSS. These systems are inspected during the EPA testing their compliance is confirmed.

#### Part 581

JK Technologies position is clear on this FMVSS. It must be noted that compliance with this FMVSS can be achieved by several methods. Because we choose to do our own testing of "modified bumpers" certainly does not preclude another RI from simply bolting on the US bumpers. The statements that this testing somehow shows that the European cars are not "substantially similar" to the US cars is baseless. Once again, Mr. Sloane does not provide any technical data to support his objection. Not only are they "readily" modifiable but they are also "substantially similar".

If there are further questions please send them to the above address. Thank you for your kind attention to these comments.

Regards,

A handwritten signature in black ink, appearing to be 'Jonathan Weisheit', enclosed within a large, loopy oval shape.

JK Technologies, LLC  
Jonathan Weisheit, Project Engineering